FILED
JUL 07 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

| | | |
|---|---|---|
| UNITED STATES OF AMERICA, Plaintiff, v. Victor Manuel FLORES-Ceja, Defendant. | ) | MAGISTRATE CASE NO.: '08 MJ 8612<br>COMPLAINT FOR VIOLATION OF<br>Title 18, U.S.C., Sections 111 & 1114<br>Assault on a Federal Officer (Felony) |

The undersigned complainant, being duly sworn, states:

That on or about June 30, 2008, within the Southern District of California, defendant Victor Manuel FLORES-Ceja did willfully and forcibly assault, resist, oppose, impede or interfere with a person named in Title 18, United States Code, Section 1114, to wit, U. S. Border Patrol Agents Pedro Arredondo and Angel Toral, were engaged in the performance of their official duties; in violation of Title 18, United States Code, Sections 111.

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

JUAN J. SUAREZ
Senior Patrol Agent

SWORN TO ME AND SUBSCRIBED IN MY PRESENCE THIS 7TH DAY OF JULY 2008.

PETER C. LEWIS
U. S. Magistrate Judge

I, Senior Border Patrol Agent Juan J. Suarez declare under penalty of Perjury, the following is true and correct:

# PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agent, J. Pestano and R. Mitchell that the Defendant was found and arrested on July 2, 2008, in El Centro, California.

At approximately 05:30 p.m., a subject later identified as Victor Manuel FLORES-Ceja was seen by Agents Cerda and Pestano coming out of the Lucky's Chinese Food Restaurant. Agents Cerda and Pestano both recognized FLORES, since they had just arrested him a few weeks earlier. The Agents approached FLORES and questioned him as to his country of citizenship and nationality. FLORES admitted to being a native and citizen of Mexico illegally in the United States. FLORES was placed under arrest.

On June 30, 2008, at approximately 10:44 p.m., Agents Pedro Arredondo and Angel Toral were assigned to traffic check duties in the Split Mountain. BPA Arredondo and BPA Toral encountered a blue 1993 Chevrolet Suburban in Carrizo Wash. The driver of the Suburban drove cross-country to evade the agents and became stuck. BPA Arredondo and BPA Toral exited their service vehicle to apprehend the occupants of the Suburban before they could run away. Agent Toral told Agent Arredondo to get the driver, and he would secure the vehicles. At that time, the driver drove his vehicle in reverse toward Agent Arredondo. BPA Arredondo was able to dive out of the way. The driver then drove the vehicle toward Agent Toral and the Service vehicle. Consequently, the vehicle collided into the agents marked Service vehicle, damaging the front end. The driver then put the vehicle back into drive and absconded from the scene. Agents Arredondo and Toral got back into their Service vehicle and followed the Suburban for a short distance before it came to a stop. All the occupants ran from the vehicle.

On July 3, 2008, BPA Toral, was able to positively identify subject, Victor Manuel FLORES-Ceja as the individual that tried to run over Agent Arredondo and himself.

On July 3, 2008 at approximately 10:28 a.m, BPA Benavides advised FLORES of his Miranda Rights and witnessed by J.Pestano. FLORES stated he has been living in El Centro, California for the last two years until about a month ago when he was arrested at the El Centro Wal-Mart by Border Patrol. FLORES stated he met a smuggler by the name of "El Chapoline", in an area of Mexicali, Mexico known as, "El Bajado". The arrangements by FLORES were to be smuggled to El Centro, California for $1500.00.

There is no evidence that FLORES has sought or been granted permission by the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after being removed.

Executed on July 4, 2008 at 10:00 a.m.

[signature]
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of one page, I find Probable cause to believe that the defendant named in this probable cause statement committed the offense on July 4, 2008 in violation of Title 18, U. S. C., Section 111.

[signature]
Hon. William McCurine Jr.
United States Magistrate Judge

7/4/08 1111 hrs
Date/Time